



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,307	02/09/2004	Yasuhisa Ichifuji	500.35360CX2	6641
20457	7590	10/31/2006	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			TRAN, TRANG U	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,307

Applicant(s)

ICHIFUJI ET AL.

Examiner

Trang U. Tran

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-18 and 22-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-18 and 22-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/844,431.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 12-18 and 22-28 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 42, 44, 54 and 56 of copending Application No. 09/418,822 in view of Bedard (US Patent No. 5,793,438).

Regarding claim 12 of this application, claim 42 of copending Application No. 09/418,822 recite the claimed a digital receiver to effect display of at least one of video program or character information of programs, comprising: a menu-grid display controller provided in the digital receiver, to effect display of a menu of at least present and future programs for a plurality of channels in a grid; an omission display controller provided in the digital receiver, which compares whether a number of characters in the

Art Unit: 2622

character information of the particular program is larger than a number of characters which can be displayed in a first prescribed zone indicative of a prescribed time period, and which omits a part of a character information extracted from the program information when the number of characters in the character information of the particular program is larger than the number of characters which can be displayed in the first prescribed zone indicative of the prescribed time period attached to a last tail part of the menu; a full display controller provided in the digital receiver, to control display of, in response to a predetermined selection, an entirety of the character information of the particular future program in a second prescribed zone.

However, claim 42 of copending Application No. 09/418,822 explicitly do not disclose the claimed a receiver provided in the digital receiver, which receives video program and program information including a title and time information of the video program, a video decoder provided in the digital receiver, which decodes the received video program; an information decoder provided in the digital receiver, which decodes the received program information, and an outputter provided in the digital receiver, which outputs the character information generated by the menu-grid display controller, the omission display controller and the full display controller.

Bedard teaches that settop unit 302 includes a tuner/decoder 328, a control unit 330, a remote control receiver 332, a program guide information extraction unit 334, a program guide display generation unit 336, and a presentation unit 338, ..., program guide extraction unit 334 isolates program guide information from the received signal, in one embodiment, this information is extracted from the blanking intervals of the

currently selected channel, there are of course other ways that the program guide information could be multiplexed with video information to display (Fig. 3C, col. 3, line 36 to col. 4, line 40).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the receiver with tuner/decoder and program guide information extraction unit as taught by Bedard into claim 42 of copending Application No. 09/418,822's system in order to optimal use of available screen area in presenting automatic program guide information.

Regarding claim 13 of this application, claim 44 of copending Application No. 09/418,822 recites the claimed a multiplexer provided in the digital receiver, which multiplexes the decoded video program and the character information of programs.

Regarding claim 14 of this application, claim 42 of copending Application No. 09/418,822 recites the claimed wherein the omission display controller adds an omission symbol to a remaining part of the character information of the particular program from which a part was omitted when displaying the remaining part of the character information of the particular future program from which a part was omitted in the first prescribed zone in the grid.

Claim 15 is rejected for the same reason as discussed in claim 12 above.

Regarding claim 16 of this application, claim 42 of copending Application No. 09/418,822 recites the claimed wherein the omission display controller has a comparator to compare the decoded character data amount with data amount which can be displayed in the first prescribed zone.

Claims 17-18 are rejected for the same reason as discussed in claims 13-14, respectively.

Regarding claim 22 of this application, claim 54 of copending Application No. 09/418,822 recite the claimed a system comprising: a digital receiver to effect display of at least one of video program or character information of programs, including: a menu-grid display controller provided in the digital receiver, to effect display of a menu of at least present and future programs for a plurality of channels in a grid; an omission display controller provided in the digital receiver, which compares whether a number of characters in the character information of a particular program is larger than a number of characters which can be displayed in a first prescribed zone indicative of a prescribed time period, and which omits a part of a character information extracted from the program information when the number of characters in the character information of the particular program is larger than the number of characters which can be displayed in the first prescribed zone indicative of the prescribed time period attached to a last tail part of the menu; a full display controller provided in the digital receiver, to control display of, in response to a predetermined selection, an entirety of the character information of a particular future program in a second prescribed zone, and a television display unit to receive an output from the video decoder and outputter to display the at least one of video program or character information of programs.

However, claim 54 of copending Application No. 09/418,822 explicitly do not disclose the claimed a receiver provided in the digital receiver, which receives video program and program information including a title and time information of the video

program; a video decoder provided in the digital receiver, which decodes the received video program; an information decoder provided in the digital receiver, which decodes the received program information; and an outputter provided in the digital receiver, which outputs the character information generated by the menu-grid display controller, the omission display controller and the full display controller.

Bedard teaches that settop unit 302 includes a tuner/decoder 328, a control unit 330, a remote control receiver 332, a program guide information extraction unit 334, a program guide display generation unit 336, and a presentation unit 338, ..., program guide extraction unit 334 isolates program guide information from the received signal, in one embodiment, this information is extracted from the blanking intervals of the currently selected channel, there are of course other ways that the program guide information could be multiplexed with video information to display (Fig. 3C, col. 3, line 36 to col. 4, line 40).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the receiver with tuner/decoder and program guide information extraction unit as taught by Bedard into claim 54 of copending Application No. 09/418,822's system in order to optimal use of available screen area in presenting automatic program guide information.

Regarding claim 23 of this application, claim 56 of copending Application No. 09/418,822 recite the claimed comprising: a multiplexer provided in the digital receiver, which multiplexes the decoded video program and the character information of programs.

Regarding claim 24 of this application, claim 54 of copending Application No. 09/418,822 recite the claimed wherein the omission display controller adds an omission symbol to a remaining part of the character information of the particular program from which a part was omitted when displaying the remaining part of the character information of the particular future program from which a part was omitted in the first prescribed zone in the grid.

Claim 25 is rejected for the same reason as discussed in claim 22 above.

Regarding claim 26 of this application, claim 54 of copending Application No. 09/418,822 recites the claimed wherein the omission display controller has a comparator to compare the decoded character data amount with data amount which can be displayed in the first prescribed zone.

Claims 27-28 are rejected for the same reason as discussed in claims 23-24, respectively.


This is a provisional obviousness-type double patenting rejection.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 30, 2006



Trang U. Tran
Primary Examiner
Art Unit 2622